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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,122	03/23/2004	Satorou Kudou	107391-00005	2129

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EXAMINER

POLLI COFF, STEVEN B

ART UNIT	PAPER NUMBER
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3728

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/806,122

Applicant(s)

KUDOU ET AL.

Examiner

Steven B. Pollicoff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

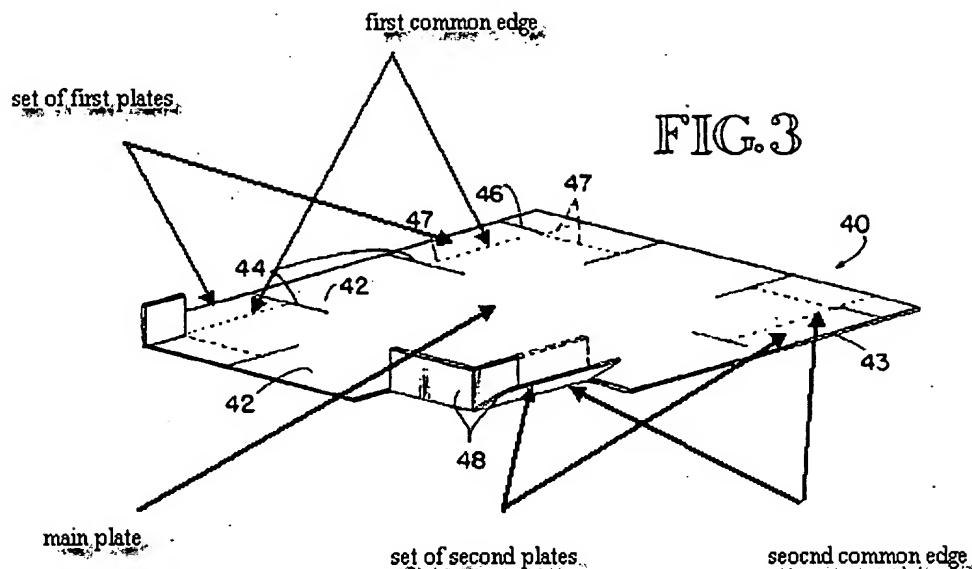
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4,5,6,14,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan et al., (US Pat 4,865,200).

With respect to claims 1,3,6,14 Sullivan discloses a rectangular parallelepiped shaped packing box comprising: a box main body (Sullivan Fig 1 ref 20); and an inner plate (10) on which a packing object (14) is fixed by at least one holding band (18), wherein said inner plate is accommodated in said box main body and is kept in a horizontal direction, and wherein said inner plate comprises: a rectangular main plate on which the packing object is fixed; a set of first plates which are capable of being bent upwardly/downwardly parallel to each other from a first common edge defined at each of opposing first ends of said main plate; and a set of second plates which are capable of being bent upwardly/downwardly parallel to each other from a second common edge defined at each of opposing second ends of said main plate (see Fig 3 reproduced below), wherein said packing object is fixed at the center of said main plate such that said packing object is not in contact with inner walls of said box main body (Fig 1).



Reproduction of Fig 3 Sullivan et al., (US Pat 4,865,200).

With respect to claims 4 and 15, Sullivan discloses that said first plates are separated by a first gap, and said second plates are separated by a second gap (Fig 1 and 4 generally).

With respect to claims 5 and 16, Sullivan discloses that said packing object is wrapped by a first holding band passing through said first gaps between the first plates of each of the sets for said first ends, and said packing object is wrapped by a second holding band passing through said second gaps between the second plates of each of the sets for said second ends (Fig 1 ref 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9,10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al., (US Pat 4,865,200).

With respect to claims 9,10 and 13, Sullivan discloses the obvious method steps of fixing said packing object at the center of an inner plate's main body such that said packing object is not contact with inner walls of said box main body and accommodating said inner plate in said box main body to keep said inner plate in a horizontal direction. Sullivan also discloses the obvious method step of wrapping said packing object by a first holding band passing through said first gaps between the first plates of each of the sets for said first ends; and wrapping said packing object by a second holding band passing through said second gaps between the second plates of each of the sets for said second ends (Fig 2 generally).

Claims 7,8,11,12,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al., (US Pat 4,865,200) as applied to claims 1,2,6,9 and 14 above and further in view of Harding et al., (US Pat 5,975,307).

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With respect to claims 7,8,17 and 18, Sullivan does not disclose that a summation of an extending length of said first plates and an extending length of said second plates are substantially equal to an inner height of said box main body and that said extending length of said first plates are substantially equal to said extending length of said second plate such that said main plate is held at a middle position in said box main body. However, Harding does disclose a summation of an extending length of said first plates and an extending length of said second plates are substantially equal to an inner height of said box main body (Harding Fig 2, ref D1,D2; see also column 3, lines 3-5) and that said extending length of said first plates are substantially equal to said extending length of said second plates such that said main plate is held at a middle position in said box main body (column 3, lines 7-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first and second plates lengths substantially equal, as taught by Harding, for the purpose of better protecting the packing object from shock during transport or storage (column 3, lines 10-13).

With respect to claims 11 and 12, Sullivan, as modified above, provides that it would be obvious to one having ordinary skill in the art at the time the invention was made to modify the method steps of claim 9 to include the limitations that a summation of an extending length of said first plates and an extending length of said second plates is substantially equal to an inner height of said box main body and that said extending length of said first plates are substantially equal to said extending length of said second

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plates such that said main plate is held at a middle position in said box main body (Harding Fig 2, ref D1,D2; see also column 3, lines 3-5 and 7-10).

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

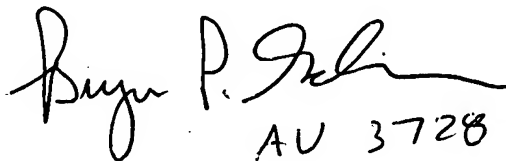
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Pollicoff whose telephone number is (571)272-7818. The examiner can normally be reached on M-F: 7:30A.M.-4:00P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571)272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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